

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

BRIAN DAVID HANEY,
Defendant.

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Case No. A-16-CR-324(1)-SS

**AGREED MOTION TO APPLY FUNDS HELD BY THE CLERK
OF COURT TO DEFENDANT'S CRIMINAL MONETARY OBLIGATIONS**

NOW COMES the United States of America, Plaintiff herein, and files this Motion to Apply Funds Held by the Clerk of Court to Defendant's Criminal Monetary Obligations, showing as follows:

1. On December 1, 2017, Defendant was sentenced to 28 months of imprisonment and ordered to pay a \$200.00 special assessment, a \$100,000.00 fine, \$406,780.00 in restitution, jointly and severally with one co-Defendant to victim U.S Department of Labor, \$351,947.00 in restitution individually to Internal Revenue Service, and his share for the cost of prosecuting this case after pleading guilty to one count of violating 42 U.S.C. § 1320a-7b(b)(2) and 18 U.S.C. § 2 and one count of violating 26 U.S.C. § 7206(1) (the "Judgment") in the amount of \$6,500.00.¹ (Doc. No. 38). The Defendant agreed to pay the restitution and cost of prosecution obligations in his plea agreement. (Doc. No. 7).

2. Pre-judgment, the Defendant deposited \$212,000.00 into the registry of the Clerk of Court pursuant to an order of this Court. (Doc. No. 20). In the order, the Clerk of Court was ordered to "hold the funds in the Court's Registry until further order of this Court."

¹ The Defendant is also jointly and severally liable for the prosecution costs of Defendant Kevin Michael Gray, Case No. 17-00084(1)-SS.

3. Now that the Judgment has been entered, the United States requests that the Court apply the funds held by the Clerk of Court to the Defendant's criminal monetary obligations. Through his counsel, the Defendant has agreed to the relief sought.

WHEREFORE, the Government respectfully requests that the Court issue an order instructing the Clerk of Court to apply the funds held in the registry to the criminal monetary obligations of the Defendant, and for such other and further relief as is just and appropriate.

Respectfully submitted,

JOHN F. BASH,
UNITED STATES ATTORNEY

By: /s/ Steven E. Seward

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ATTORNEY FOR UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed via the Court's CM/ECF system and served via ECF on March 15, 2018, to the following CM/ECF participant:

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/s/ Steven E. Seward

STEVEN E. SEWARD

Assistant United States Attorney

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ORDER

On this date came on to be considered Plaintiff's Motion to Apply Funds Held by the Clerk of Court to Criminal Monetary Obligations (the "Motion"). (Doc. No. ____). The Court has carefully considered the Motion, notes that the Defendant agrees to the relief sought and finds that it should be granted.

Accordingly, it is this day **ORDERED** that the Motion is **GRANTED**.

IT IS ORDERED that Clerk of Court shall apply the funds being held in the registry towards the Defendant's criminal monetary obligations.

IT IS SO ORDERED.

Dated: _____

SAM SPARKS
SENIOR UNITED STATES DISTRICT JUDGE